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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
5 **SAN JOSE DIVISION**

6 JOSHUA CLAYPOLE, et al.,

7 Plaintiffs,

8 v.

9 COUNTY OF SAN MATEO, et al.,

10 Defendants.
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Case No. 14-cv-02730-BLF

**ORDER REQUESTING
CLARIFICATION RE STATUS OF
PENDING MOTION TO DISMISS
FILED BY COMMUNITY HOSPITAL
OF MONTEREY PENINSULA**

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13 On August 5, 2014, Defendant Community Hospital of Monterey Peninsula ("CHOMP")
14 filed a motion to dismiss the then-operative Complaint. That motion is set for hearing on
15 November 19, 2014. On October 28, 2014, Plaintiffs filed an Amended Complaint. The parties
16 shall clarify the status of the pending motion, in writing, on or before November 12, 2014.
17 Specifically, the parties shall specify whether the operative Amended Complaint contains any
18 allegations against CHOMP that are different from the allegations of the original Complaint, and
19 whether it would be appropriate to treat the pending motion to dismiss as though it were directed
20 toward the operative Amended Complaint.

21 **IT IS SO ORDERED.**

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23 Dated: November 7, 2014

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25 BETH LABSON FREEMAN
26 United States District Judge
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